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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MELODY JOY BAKER,) Case No. CV 14-00860 DDP (SHx)
)
Plaintiff,) **ORDER GRANTING DEFENDANT'S**
) **UNOPPOSED MOTION TO DISMISS**
)
v.) [Dkt. No. 12]
)
VENTURA COUNTY HUMAN)
SERVICES AGENCY,)
)
Defendant.)
)
_____)

Before the court is Defendant County of Ventura ("the County")'s Motion to Dismiss Plaintiff's Complaint.¹ Plaintiff Melody Joy Baker has not opposed the motion. Accordingly, the court GRANTS Defendant's Motion to Dismiss.

Central District of California Local Rule 7-9 requires an opposing party to file an opposition to any motion at least twenty-one (21) days prior to the date designated for hearing the motion. C.D. CAL. L.R. 7-9. Additionally, Local Rule 7-12 provides that "[t]he failure to file any required document, or the failure to

¹ The Complaint was errantly filed against Ventura County Human Services Agency.

1 file it within the deadline, may be deemed consent to the granting
2 or denial of the motion." C.D. CAL. L.R. 7-12.

3 The hearing on Defendant's motion was noticed for April 28,
4 2014. Plaintiff's opposition was therefore due by April 7, 2014.
5 As of the date of this Order, Plaintiff has not filed an opposition
6 or any other filing that could be construed as a request for a
7 continuance. Accordingly, Plaintiff is deemed to consent to the
8 dismissal of the Complaint.

9 The court will dismiss the Complaint with prejudice. Plaintiff
10 has previously filed suit in this court asserting the same claims
11 asserted here and then failed to oppose the County's motions to
12 dismiss. In an action Plaintiff filed in 2012 against the County
13 asserting the same Americans with Disability Act claims, Plaintiff
14 failed on two occasions to file oppositions to the County's motions
15 to dismiss her complaints. (See Declaration of Ronda J. McKaig in
16 Support of Motion to Dismiss Ex. 10, p. 1; Ex. 18, p.1.; Baker v.
17 Ventura County Human Services Agency, Case No. 2:12-CV-09056-PA-
18 FFM.) Following her second failure to file an opposition, the court
19 specifically cautioned Plaintiff that the Local Rules required her
20 to file a response to the County's motion, and that her failure to
21 do so would be considered consent to granting of the motion. (See
22 McKaid Decl. Ex. 18, p. 1, 2.) The action was ultimately dismissed
23 in December 2013 after Plaintiff failed to plead facts sufficient
24 to establish her standing to sue the County, despite being provided
25 specific instructions as to what she was required to plead and
26 being given four opportunities to do so. The present Complaint
27 mirrors the one dismissed in that case. (See McKaig Decl. Exs. 10,
28 21, 24, 25; Dkt. No. 1.) It also bears noting that Plaintiff only

1 began to file suit on this matter in federal court after having
2 been declared a vexatious litigant by the courts of the State of
3 California following her filing of a series of lawsuits against the
4 County asserting the same claims as those asserted here. (See
5 McKaig Decl. Ex. 1.) These circumstances warrant dismissal with
6 prejudice.

7 Accordingly, Plaintiff's Complaint is dismissed with
8 prejudice.

9
10 IT IS SO ORDERED.

11
12 Dated: April 28, 2014


DEAN D. PREGERSON
United States District Judge